IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODG.) NO.2560 OF 2004

Pancham Co-op. Housing Soc. Ltd. .. Petitioner.

Vs.

Municipal Corporation of Greater Mumbai & Ors. .. Respondents.

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Ms. Sumedha Rao for the petitioner.
Ms. Priti Purandare for respondent Nos.1 and 2.
Mr. A.J. Shobhavat for respondent No.3.
Mr. J.G. Damani for respondent Nos.4 and 5.
Ms. S.M. Dandekar, AGP for respondent No.6.

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CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J.

11th October, 2004.

P.C. :

1. By the order passed by the Consumer Disputes Redressal Forum the opponents were directed to pay Rs.1,000/- along with 18% interest per annum from 14th September, 1995 upto the date of realisation of the amount to the complainant towards past compensation for spending extra amount for obtaining water from the B.M.C. The Court further directed that the opponents shall also pay Rs.50/- per month from 14th September, 1995 till the occupation certificate and completion certificate are obtained. The

opponents were also directed to pay compensation of Rs.25,000/- and costs of Rs.500/- to the complainant within two months from the date of receipt of the judgment.

2. The petitioner has filed execution application under Sections 25 and 27 of the Consumer Protection Act, 1986. In paragraph 3 of the execution application, the petitioner has wrongly computed the amount on the basis of Rs.1,000/- per day and then calculated interest on that amount. Ordinarily, this Court would not have adjudicated the execution application filed by the petitioner. The way in which the execution application is drafted and filed can lead to disastrous consequences for the State. To avoid any such eventuality, in the peculiar facts and circumstances of this case, we thought it appropriate to decide this execution application. The execution application is not in consonance with the order passed by the Consumer Disputes Redressal Forum.

3. In the facts and circumstances of the case, we dismiss the execution application filed by the petitioner. However, the petitioner would be at liberty to file another execution application in consonance with the order which has been passed by the

Consumer Disputes Redressal Forum dated 20th August, 1998. As and when another execution application is filed, the same shall be disposed of as expeditiously as possible.

4. The learned counsel appearing for respondent Nos.1 and 2 submits that the application for occupation certificate submitted by the petitioner shall be decided by the Corporation within four weeks from today. No further directions are necessary. The writ petition is accordingly disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.